ONTARIO
LABOUR RELATIONS BOARD
REPORTS

Annual
Consolidated Index 1984

Ontario

86-0777/

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ONTARIO LABOUR RELATIONS BOARD REPORTS

A Monthly Series of Decisions from the Ontario Labour Relations Board

Annual Consolidated Index 1984

EDITOR: NIMAL V. DISSANAYAKE

Selected decisions of particular reference value are also reported in *Canadian Labour Relations Boards Reports*. Butterworth & Co., Toronto.

Typeset, Printed and Bound by Union Labour in Ontario

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SEVEN-UP/PURE SPRING OTTAWA, A DIV. OF SEVEN-UP CANADA INC.; RE CANADIAN UNION OF UNITED BREWERY, FLOUR, CEREAL, SOFT DRINK AND DISTILLERY WORKERS; RE SEVEN-UP/PURE SPRING DIVISION EMPLOYEES' ASSOCIATION .... (Jan.) 87

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SOUTHAM PRINTING LIMITED (SOUTHAM-MURRAY DIV.) AND GRAPHIC ARTS INTERNATIONAL UNION, LOCAL 211; RE PRINTING AND GRAPHIC COMMUNICATIONS UNION (NEWSPAPER LOCAL N-1) .... (Jan.) 117

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SOUTHAM MURRAY PRINTING, COUNCIL OF PRINTING INDUSTRIES ON BEHALF OF, AND GRAPHIC COMMUNICATIONS INTERNATIONAL UNION, LOCAL 500M; RE TEAMSTERS UNION, LOCAL 419 ... (June) 868

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PRESTON SPRINGS GARDENS RETIREMENT HOME; RE HEALTH, OFFICE AND PROFESSIONAL EMPLOYEES, DIVISION OF LOCAL 206, RETAIL, COMMERCIAL AND INDUSTRIAL UNION, CHARTERED BY UFCW . . . . (Sept.) 1241

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WINDSOR, BOARD OF EDUCATION FOR THE CITY OF,; RE U.A., LOCAL 552 . . . . (Aug.) 1145

Lock-Out — Practice and Procedure — Witness — Employer raising financial difficulties as defence to allegation that contract out and lay-off constituting lock-out — Union entitled to sub-poena arguably relevant financial and business documents to test defence — Information not privileged as confidential

GORDON-NELSON DEVELOPMENT COMPANY LIMITED; RE LONDON AND DISTRICT SERVICE WORKERS' UNION, LOCAL 220 . . . . . (June) 807

Membership Evidence — Certification — Natural Justice — Practice and Procedure — Reconsideration — Letter of withdrawal from membership sent to union with copy to Board — Board treating letter as petition and disregarding where objector failing to appear at hearing — No breach of natural justice — Employer not permitted to add to employee list after count announced at meeting with Board officer — Board not reconsidering certificate

T. EATON COMPANY LIMITED; RE RETAIL, WHOLESALE AND DEPARTMENT STORE UNION; RE GROUP OF EMPLOYEES . . . . (July) 1015

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UNLIMITED TEXTURES COMPANY LIMITED; RE U.A.W.; RE GROUP OF EMPLOYEES . . . . (Jan.) 138

Membership Evidence — Certification — Practice and Procedure — Trade Union Status — Cards in International's name but local named as applicant in error — Board consenting to name amendment — Adjourning hearing and reprocessing application in International's name — Second form 9 filed on behalf of International — Not causing Board to refuse reliance on form 9 — UFCW International Union having status

IMPERIAL FLAVOURS INC.; RE UNITED FOOD AND COMMERCIAL WORKERS UNION; RE GROUP OF EMPLOYEES . . . . (May) 723

Membership Evidence — Certification — Union raising collective agreement as bar to certification application required to establish entitlement to represent at time agreement entered into — Whether Board accepting certificate of membership of member in arrears of dues

WARDET LIMITED; RE CARPENTERS UNION, LOCAL 446; RE LABOURERS' INTERNATIONAL UNION . . . . (Jan.) 153

Membership Evidence — Practice and Procedure — Combination application not signed by collector — Collector's name not appearing on application or receipt portions — Not substantive defect and capable of curing by *viva voce* evidence — Defects not disclosed in Form 9 declaration — Board entertaining evidence to show that proper inquiries made by declarant

MAPLE LEAF MILLS LIMITED, MASTER FEEDS DIVISION; RE ENERGY AND CHEMICAL WORKERS UNION; RE TEAMSTERS UNION, LOCAL 879 . . . . (Oct.) 1474

Membership Evidence — Practice and Procedure — Receipt portion of membership evidence filed in support of prehearing application not counter-signed by collector — Collector's name not shown on cards — Defect cannot be cured by fresh evidence obtained and filed after application date — Board directing vote but ordering ballot boxes sealed — Permitting *viva voce* evidence to cure defects after vote taken

MAPLE LEAF MILLS LIMITED, MASTER FEEDS DIVISION; RE ENERGY AND CHEMICAL WORKERS UNION; RE TEAMSTERS UNION, LOCAL 879 . . . . (July) 986

Membership Evidence — Practice and Procedure — Whether Form 9 declarant made requisite inquiry — Distinction between failure to collect dollar by union official and rank and the collector — Whether single non-pay resulting in rejection of all cards collected by individual — Board taking into account whether rejection of all cards resulting in vote of outright dismissal

FRANKEL STEEL LIMITED; RE IRONWORKERS UNION, LOCAL 834; RE UNITED STEELWORKERS OF AMERICA . . . . (Jan.) 28

Natural Justice — Certification — Membership Evidence — Practice and Procedure — Reconsideration — Letter of withdrawal from membership sent to union with copy to Board — Board treating letter as petition and disregarding where objector failing to appear at hearing — No breach of natural justice — Employer not permitted to add to employee list after count announced at meeting with Board officer — Board not reconsidering certificate

T. EATON COMPANY LIMITED; RE RETAIL, WHOLESALE AND DEPARTMENT STORE UNION; RE GROUP OF EMPLOYEES . . . . (July) 1015

Natural Justice — Duty of Fair Representation — Practice and Procedure — Reconsideration — Remedies — Unfair Labour Practice — Union failing to appear found to be in breach of section 68 — Grievors' seniority reinstated as remedy — Whether other employees whose seniority affected by Board remedy entitled to notice of hearing — Board distinguishing ***Hoogendoorn and Bradley*** court decisions — Whether union's failure to properly defend first unfair representation charge contravening section 68 duty with respect to employees affected by Board remedy

SMITH, TIMOTHY W., AND MORTON, WILLIAM; RE TORONTO JOINT BOARD, AMALGAMATED CLOTHING & TEXTILE WORKERS UNION, LOCAL 1414 J; RE GROUP OF EMPLOYEES . . . . (Aug.) 1133

Petition — Bargaining Unit — Construction Industry — Practice and Procedure — Only employees at work on application date counted as unit employees in construction applications — Board not departing from rule of thumb to include employees off hunting on application date — Board not delaying inquiry into petition until its relevancy clear by final determination of bargaining unit composition — Board refusing adjournment and certifying union where petitioners with notice failed to appear and testify

SMITHS CONSTRUCTION COMPANY ARNPRIOR LIMITED; RE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793; RE GROUP OF EMPLOYEES .... (Mar.) 521

Petition — Certification — Employee stating personal opinion that plant will close if union successful — Referring to another plant which closed after unionization — At request of union supporter management giving permission for meeting during work hours for discussion of pros and cons of unionization — Management not present at meeting — Employer took neutral hands-off attitude — Petition voluntary

AUTOTUBE LIMITED; RE UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION; RE GROUP OF EMPLOYEES .... (Mar.) 400

Petition — Certification — Membership Evidence — Practice and Procedure — Board reviewing and confirming policy as to exercise of discretion to direct vote — Board undertaking own investigation only where allegation involving "no-pay" or "no-sign" — No weight given to hearsay evidence of coercion — Whether allegation of threat raised in timely fashion and adequately particularized — Threat unrelated to membership solicitation not causing Board to direct vote — Board not "staying" proceedings to permit judicial review application

UNLIMITED TEXTURES COMPANY LIMITED; RE U.A.W.; RE GROUP OF EMPLOYEES .... (Jan.) 138

Petition — Certification — Practice and Procedure — Objectors claiming inadequate posting and opportunity to solicit support for petition — Seeking representation vote despite union support in excess of 55% — Absence of some employees from work unavoidable — Objectors not entitled to contact every employee at workplace — Extension of terminal date proper remedy even if posting inadequate

RYERSON POLYTECHNICAL INSTITUTE, BOARD OF GOVERNORS OF; RE OPSEU; RE GROUP OF EMPLOYEES .... (Mar.) 515

Petition — Employee who originated petition not testifying — Petition signed in presence of management and on company time using company resources — Employee perception of management involvement causing rejection of petition — Dissent of Board Member setting out guidelines for a valid petition

MARKHAM HYDRO ELECTRIC COMMISSION; RE I.B.E.W., LOCAL 636; RE R. G. EWASIUK; RE GROUP OF EMPLOYEES .... (Oct.) 1481

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Ontario Labour Relations Board,
400 University Avenue,
Toronto, Ontario
M7A 1V4

ISSN 0383-4778